

ORDINANCE 1286

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON

AN ORDINANCE OF LEWIS COUNTY,)
ALLOWING USE OF WHEELED ALL-)
TERRAIN VEHICLES ON CERTAIN)
PUBLIC ROADS AND CREATING A NEW)
CHAPTER 10.40 OF THE LEWIS COUNTY)
CODE)

ORDINANCE NO. 1286

WHEREAS, state law permits one to drive a wheeled all-terrain vehicle on public roadways with a speed limit of thirty-five miles per hour or less if the vehicle complies with state equipment standards and the driver properly registers it; and

WHEREAS, as a prerequisite to use of wheeled all-terrain vehicles on public roadways within the unincorporated county, RCW 46.09.455 directs Lewis County to pass an ordinance approving such use on specified public roads; and

WHEREAS, the approved roads must be listed publicly from the main page of the county website, per RCW 46.09.455(1)(c)(iii); and

WHEREAS, the Washington Department of Transportation encourages counties to employ the above procedure through grants for the erection of road signs indicating areas in which wheeled all-terrain vehicles may be used; and

WHEREAS, the grant program requires a county to pass its ordinance authorizing the use of wheeled all-terrain vehicles before any grant application may be accepted; and

WHEREAS, collecting all of the state equipment, registration, and declaration requirements into one ordinance will afford better notice to the motoring public as to how to lawfully use wheeled all-terrain vehicles; and

WHEREAS, Lewis County has undertaken a SEPA analysis before taking any action on this ordinance; and

WHEREAS, the Board of County Commissioners believes that adopting the ordinance herein is in the public interest;

NOW THEREFORE be it ordained by the Board of County Commissioners that:

Section 1. A new chapter 10.40 of the Lewis County Code is created as follows:

Chapter 10.40
WHEELED ALL-TERRAIN VEHICLES

Sections:

- 10.40.010 Definitions.
- 10.40.020 Equipment and declaration requirements for on-road use.
- 10.40.030 When wheeled all-terrain vehicles may be driven on public roadway.
- 10.40.040 List, map, and signage of authorized roads.
- 10.40.050 Unauthorized use of wheeled all-terrain vehicle—Penalty.

10.30.010 Definitions.

The definitions set forth in this section apply throughout this chapter:

(1) "Nonhighway vehicle" means any motorized vehicle, including an off-road vehicle, primarily designed for use for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain, excluding the following:

(a) Any vehicle designed primarily for travel on, over, or in the water;

(b) Snowmobiles or any military vehicles; or

(c) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under Chapter 82.38 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.

(2) "Off-road vehicle" means a nonstreet registered vehicle generally used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain. It includes, but is not limited to, all-terrain vehicles, motorcycles, four-wheel drive vehicles, and dune buggies.

(3) "Wheeled all-terrain vehicle" means:

(a) any motorized nonhighway vehicle with handlebars that is fifty inches or less in width, has a seat height of at least twenty inches, weighs less than one thousand five hundred pounds, and has four tires having a diameter of thirty inches or less; or

(b) a utility-type vehicle designed for and capable of travel over designated roads that travels on four or more low-pressure tires of twenty psi or less, has a maximum width less than seventy-four inches, has a maximum weight less than two thousand pounds, has a wheelbase of one hundred ten inches or less, and satisfies at least one of the following: (i) Has a minimum width of fifty inches; (ii) has a minimum weight of at least nine hundred pounds; or (iii) has a wheelbase of over sixty-one inches.

(4) "Wheeled all-terrain vehicle" does not include a four-wheeler, three-wheeler, golf cart, go cart, off-road vehicle, or any other similar type of vehicle unless it fully complies with the definitions herein and the requirements of LCC 10.40.020.

10.40.020 Equipment and declaration requirements for on-road use.

To the extent required in RCW 46.09.457, now or as hereafter amended:

(1) A person who operates a wheeled all-terrain vehicle on a public roadway must comply with the following equipment requirements:

(a) Headlights meeting the requirements of RCW 46.37.030 and 46.37.040 and used at all times when the vehicle is in motion upon a highway;

(b) One tail lamp meeting the requirements of RCW 46.37.525 and used at all times when the vehicle is in motion upon a highway; however, a utility-type vehicle, as described under RCW 46.09.310, must have two tail lamps meeting the requirements of RCW 46.37.070(1) and to be used at all times when the vehicle is in motion upon a highway;

(c) A stop lamp meeting the requirements of RCW 46.37.200;

(d) Reflectors meeting the requirements of RCW 46.37.060;

(e) During hours of darkness, as defined in RCW 46.04.200, turn signals meeting the requirements of RCW 46.37.200. Outside of hours of darkness, the operator must comply with RCW 46.37.200 or 46.61.310;

(f) A mirror attached to either the right or left handlebar, which must be located to give the operator a complete view of the highway for a distance of at least two hundred feet to the rear of the vehicle; however, a utility-type vehicle, as described under RCW 46.09.310(19), must have two mirrors meeting the requirements of RCW 46.37.400;

(g) A windshield meeting the requirements of RCW 46.37.430, unless the operator wears glasses, goggles, or a face shield while operating the vehicle, of a type conforming to rules adopted by the Washington state patrol;

(h) A horn or warning device meeting the requirements of RCW 46.37.380;

(i) Brakes in working order;

(j) A spark arrester and muffling device meeting the requirements of RCW 46.09.470; and

(k) For utility-type vehicles, as described under RCW 46.09.310(19), seat belts meeting the requirements of RCW 46.37.510.

(2) A person who operates a wheeled all-terrain vehicle upon a public roadway must first provide the declaration required in RCW 46.09.457(1)(b) to the Washington Department of Licensing.

(3) This section LCC 10.40.020 does not apply to emergency services vehicles, vehicles used for emergency management purposes, or vehicles used in the production of agricultural and timber products on and across lands owned, leased, or managed by the owner or operator of the wheeled all-terrain vehicle or the operator's employer.

10.40.030 When wheeled all-terrain vehicles may be driven on public roadway.

A person may drive a wheeled-all terrain vehicle on the roads within unincorporated Lewis County designated in LCC 10.40.040 if all of the following conditions are true:

- (1) The driver has and possesses a current Washington driver's license, or current out-of-state driver's license if the driver resides out of state, and the driver's privilege to drive is not suspended in this or his or her home state;
- (2) The wheeled all-terrain vehicle has a current metal tag and on-road registration from the Department of Licensing; or is exempt from such tag and registration under RCW 46.09.442(6)(a), now or as hereafter amended, due to registration in another state with equivalently stringent standards;
- (3) The wheeled all-terrain vehicle and driver have satisfied the equipment and declaration requirements of LCC 10.40.020, or are exempt under LCC 10.40.020(3).

10.40.040 List, map, and funds for signage of authorized roads.

- (1) The attached Exhibit A is the list of roads or portions of roads within unincorporated Lewis County, by name and milepost, that are approved for use by wheeled all-terrain vehicles. This list may from time to time be amended by resolution of the Board of County Commissioners.
- (2) The Public Works Department shall create and maintain a map depicting the roads and portions of roads listed in Exhibit A, now as or hereafter amended. The list and map shall be publicly available from the main page of the Lewis County web site.
- (3) By July 1, 2018, the Public Works Department shall apply for a grant to obtain funds for a reasonable number of signs or traffic control devices indicating areas in which wheeled all-terrain vehicles may be lawfully driven on the public roadway.

10.40.050 Unauthorized use of wheeled all-terrain vehicle—Penalty.

It is a civil infraction under LCC 1.20.040 to:


- (1) Operate a wheeled all-terrain vehicle on a public roadway in violation of any of the terms of this chapter; or
- (2) Operate a four-wheeler, three-wheeler, golf cart, go cart, off-road vehicle, or any other type of vehicle that is similar to a wheeled all-terrain vehicle, but which does not meet the requirements of a wheeled all-terrain vehicle under this chapter, on a public roadway.

Section 2. This enactment is in the public interest and shall take effect upon passage.

Section 3. If any portion of this Ordinance is found to be illegal, unconstitutional, unenforceable, or without effect in any manner, the remainder of this Ordinance shall remain in full force and effect.

PASSED IN REGULAR SESSION THIS 4th DAY OF June, 2018.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney


Deputy Prosecuting Attorney


BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON


Edna J. Fund, Chair

ATTEST:


Rieva Lester, Clerk of the Board

Robert C. Jackson, Vice Chair


Gary Stamper, Commissioner

